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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,290	04/01/2004	Raymond S. Burns	burnsr01.002	8567
25247 7590 05/10/2007 GORDON E NELSON PATENT ATTORNEY, PC 57 CENTRAL ST . PO BOX 782 ROWLEY, MA 01969			EXAMINER HO, BINH VAN	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/816,290

Applicant(s)

BURNS ET AL.

Examiner

Binh V. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/01/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/25/2006
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is a response to amendment filed 02/22/2007.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 5, line 3, "automatically responding", and in claim 12, line 3, "notification being automatically send" was not disclose in specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-4, 6-8, 10-11, 13-15, and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jordan (US 20030182382).

(Claims 1, 10, and 17)

Jordan discloses in figures 1-7, a method whereby a first processor interacting with a second processor via a network, the method comprising the steps performed in the second processor of receiving a first message from the first processor; responding thereto by fetching user profile information via the network from a remote database that is remote from the second processor; and interacting further with the first processor as permitted by the fetched user profile information (Paragraph [0002], [0005]-[0008], [0018], [0022], [0027], [0034], [0039], and [0040]).

(Claims 2-4, 11)

Jordan discloses in figures 6-7, the user profile information being associated with the first processor and the second processor in the remote database (Paragraph [0022], [0034]-[0036], [0038]-[0040]).

(Claim 6, and 18)

Jordan discloses in figures 3-7, the method further comprises the step of sending a log derived from the interaction between the first and second processors to the remote database.

(Claims 7-8, and 14-15)

Jordan discloses in figures 1-2, the network by which the first and second processors interacting includes a wireless component (Paragraph [0002], [0018]).

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(Claim 13)

Jordan discloses in figures 6-7, the fetched user profile information determines a user interface by which a user of the first processor interacts the second processor (Paragraph [0006]-[0008], [0022], [0031], [0035], [0037], and [0038]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, and 12 are rejected under 35 U.S.C. 103(a) as being anticipated by Mohammed (US2005/0289226).

Jordan discloses substantially all of the elements, except wherein the method further comprises the step of automatically responding to an exception condition in the second processor by sending an exception notification to the first processor, the first message being received in response to the exception notification. Mohammed teaches automatically connect with the user (Paragraph [0053]). It would have been obvious to one having ordinary skill in the art at the time invention was made to send the automatically notification to alert the users that their request have been received.

Claims 5, and 12 are rejected under 35 U.S.C. 103(a) as being anticipated by Rosselot (US2003/0103075).

Jordan discloses substantially all of the elements, except wherein the method further comprises the step of automatically responding to an exception condition in the

second processor by sending an exception notification to the first processor, the first message being received in response to the exception notification. Rosselot teaches the email messages are automatically generated for no-urgent problems (Paragraph [0004], [0053]). It would have been obvious to one having ordinary skill in the art at the time invention was made to send the automatically notification to alert the users that their problem have been received.

### **Response To The Arguments**

7. Applicant's arguments filed on 02/22/2007 have been fully considered. Applicant made the following arguments:

Accordingly, Applicant submits that, "In other words, "fetching" means moving a copy of the "user profile information" from the remote database to the second processor."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "fetching" means moving a copy of the "user profile information" from the remote database to the second processor.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Accordingly, Applicant submits that, "As is apparent from the foregoing, the system of FIG. 3 merely employs database machine 30 to determine whether the user has access; there is no "fetching" of "user profile information" to the second processor

(server 24) and no "interacting further with the first processor [the Web browser] as permitted by the fetched user profile information".

Examiner deals with this problem by rejecting Applicants' claims on the basis of FIG. 7, which describes how the user profile is edited. As described at 0037-0040, the process proceeds in the same manner as in FIG. 6 until step 104, which grants the user access to the profile. The system then displays the current profile (106), alters it according to the user's inputs (108), and then updates the profile in database 32 (110). Steps 102-110 are all performed by database machine 30 (paragraph 0038-039), which thus plays the role of the "second processor" of claim 1.

While database machine 30 does indeed fetch the user profile into the processor when the user is updating the user profile, at that point the user profile is merely data to be edited by the user. The fetched user profile does not determine how database machine 30 interacts with the user's browser while the user profile is being edited, and consequently, Jordan does not disclose the limitation, "interacting further with the first processor as permitted by the fetched user profile information". Since that is the case, Jordan anticipates neither claim 1 nor any claim dependent from claim 1. The same arguments apply with regard to independent claims 10 and 17."

The Examiner respectfully disagreed with the Applicant's argument above, since Jordan discloses in figures 6-7, ". . . the invention provides an apparatus for editing a profile of a user associated with a wireless network via an external network. The apparatus includes a database machine in communication with the wireless network and the external network, wherein the database machine includes a processor. The

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processor includes an edit request module for receiving a request to alter the profile of the user via the external network, and an update module for altering the profile of the user.", (edit or update the profile of the user is interacting), paragraph [0006], [0007], "If the user name and password input at block 98 matches a user name and password maintained in the user database 32, the user is authenticated as a valid user, and the process proceeds from block 102 to block 104, where the user is granted access to the profile maintained in the user database 32.", (only the user matches the user name and password permitted to fetch user profile information), paragraph [0038]-[0040]

Accordingly, Applicant submits that, "Claims 6 and 18 set forth that a log derived from the interactions between the first and second processors is sent to Applicants' database. Examiner refers Applicants to FIGs. 3-7 for this limitation but cites no locations in Jordan's Specification. Applicants can find no indication either in the figures or the text of the Specification that Jordan maintains the log set forth in claims 6 and 18."

The Examiner respectfully disagreed with the Applicant's argument above, since Jordan discloses in figures 3-7, "The message store 26 may include a mailbox for storing information that has been sent to a wireless device 20", paragraph [0020], [0022].

Accordingly, Applicant submits that, "Claims 7-8 and 14-15 deal with the limitation that the network over which the first and second processors interact has a wireless component. The network of Jordan does have a wireless component, but as shown in Jordan's FIG. 1 and pointed out at 0017, the browser (computing device 18)



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interacts with gateway 16 of FIG. 3 via external network 14, which may be the Internet, and not via wireless network 12. Consequently, Jordan does not disclose the limitations set forth in claims 7-8 and 14-15."

The Examiner respectfully disagreed with the Applicant's argument above, since Jordan discloses in figures 1-3, "... "the invention provides a system for editing a profile of a user associated with a wireless network via an external network ...", paragraph [0007]-[0008], [0017]-[0018], [0020], [0022]-[0023], [0025]-[0027], [0033]-[0034], [0037]-[0038]).

### Conclusion

8. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

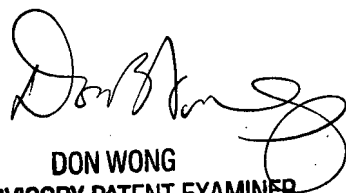
### **Inquiry**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho  
Examiner  
Art Unit 2163

  
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